

**Julie A. Reese**  
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& General Counsel

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Ref: 02-17-06/GC-14

17 February 2006

DOCKET FILE COPY COMING

Marlene H. Dortch, Secretary  
U.S. Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Notice of Ex Parte Letter  
IB Docket No. 05-290

Dear Ms. Dortch:

On February 17, 2006, Mr. Ahmed Toumi; ITSO's Director General and CEO, sent the attached letter to Chairman Kevin Martin, with copies to the other Commissioners.

The purpose of the letter was to inform the FCC of certain unanimous decisions of the 148 member countries of ITSO, which held its Assembly of Parties meeting on January 30 – February 2, 2006, regarding Intelsat's breaches of its Public Service Obligations, the Assembly's concerns about the high level of debt resulting from Intelsat's proposed acquisition of PanAmSat, and the Assembly's concerns about the lack of guaranteed protection for the Public Service Obligations and the "Common Heritage" orbital locations and associated frequency spectrum used by Intelsat. The Assembly unanimously decided to request that the United States, in its capacity as the selected licensing jurisdiction and "Notifying Administration" for the Common Heritage, take actions to ensure Intelsat's adherence to its Public Service Obligations.

Please contact the undersigned with any questions.

Sincerely,

Attachments: 17 February 2006 letter to FCC Chairman Kevin J. Martin

International Telecommunications Satellite Organization

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## **CERTIFICATE OF SERVICE**

I, Julie A. Reese, do hereby certify that on this 17<sup>th</sup> day of February 2006, I sent, via electronic mail, a true and correct copy of the foregoing Ex Parte filing of the International Telecommunications Satellite Organization to the following:

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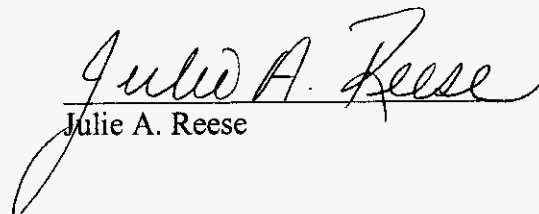
**U.S. Department of State**

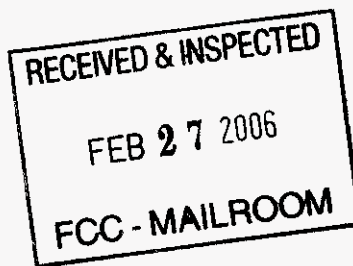
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Julie A. Reese



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Ref: 02-17-06/DG-15

17 February 2006

The Honorable Kevin J. Martin  
Chairman  
U.S. Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Dear Mr. Martin:

On behalf of the International Telecommunications Satellite Organization (ITSO), I would like to present to you my compliments.

As announced in ITSO's FCC Comments of November 14, 2005 (p. 16) and ITSO's Reply Comments of December 6, 2005 (pp. 7 and 14), the 29<sup>th</sup> meeting of ITSO's 148 member countries (Assembly of Parties) was held on January 30 – February 2, 2006 to address Intelsat's breaches of its Public Service Obligations, the critical issues set out in ITSO's Comments arising from Intelsat's proposed acquisition of PanAmSat, and to consider methods of protecting the Public Service Obligations in the context of Intelsat's bankruptcy. The Assembly unanimously decided to urge the United States, in its capacity as the selected licensing jurisdiction and "Notifying Administration" for the frequency assignments associated with orbital locations (the "Common Heritage"), to take actions pursuant to its obligations in the ITSO Agreement to ensure Intelsat's adherence to its Public Service Obligations.

With regard to Intelsat's proposed acquisition of PanAmSat, the Assembly unanimously noted the high level of debt that would result from the proposed acquisition of PanAmSat, and the risk this could create for the continuity of the Public Service Obligations should Intelsat declare bankruptcy or liquidation. During the Assembly, ITSO's legal bankruptcy expert reported to the member countries that, in the event of an Intelsat bankruptcy proceeding, there was no guarantee for the continuity of the Public Service Obligations and there was no guarantee to preserve the "Common Heritage" assets used by Intelsat to fulfill its Public Service Obligations. As a result, the Assembly unanimously decided to request the United States to ensure that remedies, in the nature of those advised by ITSO's legal bankruptcy expert, are implemented to assure that the Public Services Agreement and its obligations will survive a bankruptcy proceeding, and that the licenses issued by the United States to Intelsat to *use* the "Common Heritage" orbital positions are protected in the event of Intelsat's insolvency.

International Telecommunications Satellite Organization

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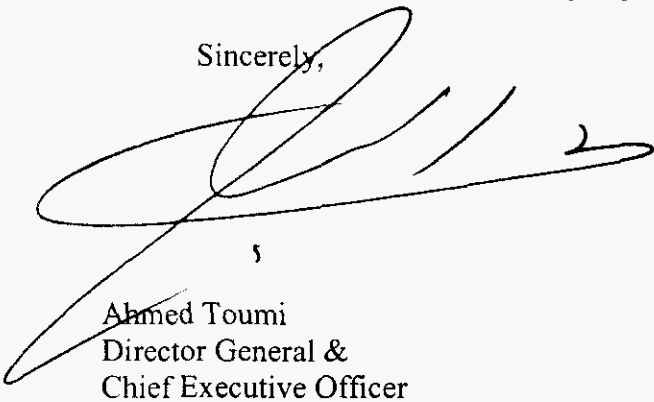
Chairman Kevin Martin  
FCC  
17 February 2006  
Page 2

Further, the Assembly unanimously decided to schedule an extraordinary meeting of the Assembly of Parties, which has been scheduled for July 2006 -- six months after the last Assembly meeting, to consider recommendations to remedy the situation with Intelsat.

ITSO's Assembly of Parties, thus, has unanimously endorsed the recommendations in ITSO's prior FCC Comments and Reply Comments. Therefore, I respectfully call on you to condition the Commission's Approval of the PanAmSat acquisition to preserve the Public Service Obligations, which were a prerequisite for the privatization process that created Intelsat, in line with the three categories of safeguards ITSO previously proposed.

Please accept, Mr. Martin, my highest consideration and best regards.

Sincerely,

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Ahmed Toumi  
Director General &  
Chief Executive Officer

Copy: Mr. Michael J. Copps - Commissioner  
Mr. Jonathan S. Adelstein - Commissioner  
Ms. Deborah Taylor Tate - Commissioner